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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 6 November 1996 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

In accordance with General Assembly resolution 48/155 of 20 December 1993, I have the honour to transmit information on the situation of human rights in Latvia and Estonia (see annex).

I should be grateful if you would have this information circulated as an official document of the General Assembly under agenda item 110 (c).

(Signed) S. LAVROV

96-31132 (E) 131196 141196

ANNEX

The situation of human rights in Latvia and Estonia

The factual situation is that over 1 million permanent residents of those countries (more than 700,000 in Latvia and more than 300,000 in Estonia) are minorities and have been deprived of citizenship and, consequently, of the status of national minority.

I. The position of representatives of the disenfranchised nationalities using the Russian language as a means of communication between nationalities (the Russian-speaking population) in Latvia and Estonia in 1996 has not only not changed for the better in any respect but is steadily tending to deteriorate.

The policy of Latvia and Estonia with respect to persons treated by the legislation adopted by the parliaments of those countries after the proclamation of their independence in 1991 as non-citizens is becoming more and more overtly discriminatory in character, and its objective of forcing out the Russian-speaking population is becoming ever more thinly disguised. In practice, this is bringing about a change in the established ethnic balance and the formation in Latvia and Estonia of societies founded on mono-ethnic principles.

II. The main reason for the unregulated status of hundreds of thousands of permanent residents of Latvia and Estonia of non-Latvian and non-Estonian origin is the legislation of those countries on the basis of which those persons have arbitrarily been deprived of their citizenship and have been declared to be aliens in their own countries of residence whose fundamental political, civil, economic, social and cultural rights are thus being curtailed. In the legislation of Latvia there are at present over 60, and in that of Estonia, over 40, fundamental differences in the rights of citizens and non-citizens of the country.

Estonia

1. As a result of the deliberate policy conducted by Estonia of edging out the non-Estonian part of the population during the period from 1991 to 1996, over 100,000 residents who were non-citizens left that country and 116,000 Russian-speaking residents became Russian citizens.

2. The laws passed in Estonia during the period from 1992 to 1995 affecting the rights and freedoms of the Russian-speaking residents of that country violated the Russian-Estonian Treaty on the basis for inter-State relations of 12 January 1991, articles 3 and 4 of which guarantee the right of persons living at the time when it was signed in the territory of the Russian Federation and in that of the Republic of Estonia, and being at that time citizens of the Union of Soviet Social Republics (USSR), to retain or acquire the citizenship of the Russian Federation or of the Republic of Estonia in accordance with freely expressed wishes. They also recognize the civil and political rights and freedoms, and the social, economic and cultural rights of non-citizens,

irrespective of their national ties, in accordance with generally recognized international legal human rights standards.

3. On 19 January 1995, the Estonian Parliament passed the Citizenship Act which substantially tightened up the conditions for the acquisition of citizenship, even by comparison with the legislation in force in Estonia during the period 1992-1995. Under that Act, the right of permanent residents of the Republic of Estonia, who had permanent residence status prior to 1 July 1990, to acquire citizenship could, at best, be made effective over a 9 to 10-year period, including residence in the country on a short-term (three-year) and a permanent (five-year) residence permit, and the time taken up by administrative procedures. Prior to the acquisition of citizenship, the Act downgrades to "temporary" status the legal residence in Estonia of persons lawfully present in the territory of the present-day Estonia before 1990 on the basis of a permanent identity document.

In particular, the new Citizenship Act raised the qualifications for permanent settlement status and sharply increased the Estonian language proficiency requirements. Even marriage to a citizen of Estonia, employment in its territory and possession of real estate now confer no advantages in terms of the acquisition of citizenship. In practice, the application of the Act virtually deprives a major segment of the population of Estonia of the possibility of regaining their lost status as citizens and bars their access to participation in the political and socio-economic life of the country. It is no mere chance that the Human Rights Committee of the United Nations, in its concluding observations on the report of Estonia concerning its implementation of the International Covenant on Civil and Political Rights, expressed concern that the policy of the Government in the field of naturalization and citizenship had created a number of problems which impeded the implementation (by Estonia) of the Covenant (see CCPR/C/79/Add.59).

4. As a result of the passing of this Act, in breach of the right to a nationality established in the Universal Declaration of Human Rights, about 200,000 people of non-indigenous nationality in Estonia were to all intents and purposes rendered stateless. However, Estonian legislation does not even accord them the status of stateless persons as recognized by the world community.

5. The Aliens Act, adopted on 8 July 1993, was devised to cover this category of permanent residents of Estonia. It set up a system for the issue of aliens' identity cards to persons applying for a residence permit in Estonia.

Holders of such identity cards were granted by the legislators an even narrower range of rights than stateless persons and the citizens of other States living in that country. By way of example, the document contains the entry "citizen of the former USSR" which consigns the holder to the citizenship of a non-existent State and in fact deprives him of an entire body of rights, including the right to legal and consular protection when travelling abroad, and prevents the reunification of families.

6. Moreover, not only was the process of issuing such documents not completed by 12 July 1996 (as envisaged by the decree of the Government of the Republic of Estonia of 7 December 1995), but the documents have not so far been made

available on the necessary scale. Only some 20,000 out of 110,000 applicants have received their identity cards.

7. The low rate of naturalizations exacerbates the situation. During the period from 1992 to 1996 just over 80,000 people acquired Estonian citizenship through naturalization. Some 30,000 of them became citizens after going through the highly complex procedure of being examined on their knowledge of the Estonian language and the Constitution of the country (mainly those who had been living in Estonia before 1940); others, who are the majority, acquired citizenship as persons equated with ethnic Estonians for "special services to the Republic of Estonia". The Human Rights Committee expressed particular concern at the fact that no remedy was available under Estonian legislation against an administrative decision rejecting the request of an applicant for citizenship under the naturalization arrangements (see CCPR/C/79/Add.59).

8. The Estonian Language Act, passed in 1995, intensified discrimination in many important fields of public life against people who did not speak the national language. The Act does not provide for the possibility of education using any language other than Estonian.

9. The completion by 12 July 1996 of the period for consideration of applications for temporary residence permits entailed a major change in the civil and legal status of more than 300,000 residents of Estonia. Having acquired the right, under pressure from the world community, to remain legally in the territory of Estonia, they nevertheless found themselves transferred from the category of permanent residents to that of temporary residents, a status which deprived them of a whole series of rights. In particular, in accordance with the Estonian Privatization Act of 6 May 1993, only permanent residents of the Republic are entitled to privatize occupied residential property. Similarly, only permanent residents of Estonia are entitled to acquire residential property for permanent occupation.

In accordance with the Unemployment Insurance Act of 26 October 1994, entitlement to use the services of the labour exchange and to receive an unemployment benefit is granted only to permanent residents.

The sector of the population of Estonia holding only temporary residence permits is deprived of the right to participate in the conduct of public affairs and has no access, "on general terms of equality, to public service" (article 25 of the Covenant). In this connection, the Human Rights Committee of the United Nations, commenting on the situation in Estonia, expressed concern that "the conditions for appointment to or employment in any position in a State or local government agency, in particular the automatic exclusion of persons unable to satisfy the requirements of the written oath of conscience regarding their previous activities (under the former regime), may give rise to an unreasonable restriction on the right of access to public service without discrimination" (CCPR/C/79/Add.59, para. 14).

10. The Estonian authorities are delaying the implementation of many provisions of the Russian-Estonian Agreement on Social Guarantees for Retired Russian Military Personnel in the territory of Estonia of 26 July 1994. The military pensioners are issued temporary residence permits for two, four or five years,

or even six months; in view of the complexity of the procedure for registration and the advanced age of the holders of such permits, this places them in an extremely difficult position.

In this connection, a military pensioner may be refused a residence permit or the extension thereof on the grounds of his previous activities, including service in military and law enforcement units which were at the time functioning legally in the territory of what is now Estonia.

11. The Local Elections Act was only slightly revised during the review process and still contains many discriminatory provisions. Additional artificial obstacles were created to the free expression of the will of those who fall into the category of non-citizens permanently resident in Estonia. For instance, only those of them who personally submit an individual application at specially assigned points within a very strict deadline are registered to vote. Citizens of Estonia are not subject to the same procedure. As for those who fall into the category of temporary residents, there is no question of their participation in elections.

12. The forcing out of the use of the second most widely spoken language in Estonia - Russian - is continuing. Even in places where the population is solidly (up to 90 per cent) Russian speaking, all local government documentation is in the Estonian language; the relaying of Russian television and radio broadcasts in the Russian language has virtually ceased and the circulation of mass information media publications in the Russian language is strictly limited in both retail sales and subscription sales. Such an approach is contrary to the generally recognized international standards in that field.

13. On the pretext of the lack of a licence, the authorities in Estonia are threatening to close a number of educational-advisory centres of Russian higher educational establishments which, for a fee, provide part-time courses with elements of the full-time/part-time study system.

14. In open infringement of the freedom of religion of Orthodox believers, the Estonian authorities have persecuted the Estonian Apostolic Orthodox Church, which is under the canonical jurisdiction of the Moscow Patriarch. Despite a compromise reached between the Moscow and Constantinople Patriarchates on the self-determination of parishes and the division of church property on that basis and the delimitation of their canonical jurisdiction, the Estonian authorities do not recognize the right of the Estonian Apostolic Orthodox Church to all its property.

15. Estonia continues to disregard many recommendations of the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the European Union aimed at ensuring respect for human rights in the Republic of Estonia, including amendments to the country's legislation. International experts at various levels, including the High Commissioner on National Minorities of OSCE, Mr. M. van der Stoel, taking into account the standards of the Council of Europe, have recommended that the Estonian authorities should grant permanent residence permits to those who, on 1 July 1990, were permanent residents of the territory which is now Estonia. This recommendation is being disregarded by Estonia. As for the comments of the

independent members of the Human Rights Committee, in Tallinn they hastened to call them "unfair".

Latvia

1. Latvia's policy with regard to citizenship, in particular in relation to permanent residents of a disenfranchised nationality who use the Russian language as a means of communication between nationalities, has resulted in approximately 75,000 people being forced to leave the Republic between 1991 and 1993 alone. Tens of thousands of people have taken the citizenship of other States during the years since Latvia's independence, including 66,000 who have taken Russian citizenship.

2. The Citizenship Act adopted by the Latvian Saeima on 21 July 1994 openly discriminates against the Russian-speaking population living in the territory of the country. The amendments introduced in the text of the Act under pressure from international organizations have not changed its substance.

Starting in 1996, an age-group sequence was introduced for the submission of applications for citizenship: ages 16 to 21, 21 to 25, 26 to 30 and then 30 and over. The last group will be able to claim Latvian citizenship only in the year 2000. Thus, about 500,000 permanent residents of Latvia will be expatriates at least until the beginning of the next century.

From the adoption of the Act to date, only about 2,000 people have been naturalized. The procedure established for this is extremely complex: 25 documents need to be submitted, most of them notarized.

3. The vast majority of the Russian-speaking population of Latvia, like that of Estonia, was initially deprived of citizenship, and then of the real possibility of obtaining it, and thus is prevented from participating in elections, deprived of the right to purchase land, and subjected to considerable limitations on the rights to privatize and to establish joint stock companies, as well as to occupy posts in the public administration.

Thus, the non-citizens permanently resident in Latvian territory cannot count on receiving their share of the State property that was created with their active participation. The period of residence of persons in this category is artificially reduced on contrived pretexts (for example, temporary travel outside Latvia or employment as civilians in military units), with the result that in many cases they lose the right to obtain privatization certificates and, ultimately, to privatize their residence.

4. The Citizenship and Immigration Department, the arbitrariness of which the Latvian authorities are fond of citing although it is an inseparable part of the country's machinery of State, often interprets the legislation in an arbitrary manner, thus making the already difficult situation of the non-citizens even worse. According to data from the Latvian Human Rights Committee, over the past three years more than 10,000 people in Riga alone have complained of illegal actions by the Department (the OSCE mission in Riga has more than once referred in its documents to the unsatisfactory work of this Department).

5. Under the terms of the Latvian Local Elections Act, residents of that country who are classified as non-citizens are deprived of passive and active voting rights by a minimum of two means. In the first place, the majority of them have not obtained the status of permanent residents and accordingly have no right to participate in the elections. In the second place, the language restrictions introduced by the Act block those who have an insufficient command of Latvian. This situation also applies to specific categories of citizens (only candidates who have passed an examination in Latvian at the highest level can run for office).

6. The resolution of the Latvian Parliament of 28 April 1993 on the issuing of a temporary residence permit to persons whose presence in Latvia is occasioned by the temporary stationing of armed forces of the Russian Federation on its territory substantially limits the rights of a considerable portion of the Russian-speaking population to free choice of their place of residence. Under the terms of the resolution, such persons and members of their families are transferred to the category of "aliens" and deprived of citizenship.

7. Just as in Estonia, there is substantial infringement upon the socio-economic rights of those permanent residents of Latvia who are deprived of citizenship and classified as non-citizens.

Those of the residents who for various reasons are not included in the Register of residents of Latvia are automatically deprived of the right to receive children's allowances, unemployment allowances and free medical care for their children, to receive privatization certificates, to invite relatives from abroad and to receive tax books, which rules out receipt of tax concessions and the possibility of access to legal job placement, and of the right of free entry into and departure from the country.

The level of social security for non-citizens is lower than for citizens of Latvia, and they are subject to limitations on their right to obtain and purchase housing.

Persons in this category are in fact the first candidates for dismissal from work and the last for job placement, and are deprived of social allowances, including unemployment allowances.

8. Under the terms of the State Language Act, all State employees must undergo testing for knowledge of Latvian, and the level of command of the language required is directly dependent on the post occupied.

9. The Latvian Saeima has adopted in first reading a new version of the State Language Act which excludes the possibility of using other languages, including in the economic sphere. Thus Russian, which more than 90 per cent of the population are able to use, is virtually proclaimed unlawful.

10. Despite the fact that the right to freedom of association, with the exception of the establishment of secret organizations and armed formations, is embodied in Latvian legislation, a large number of non-governmental organizations, including the League of Stateless Persons in Latvia, the Union for the Protection of Veteran's Rights, the Association of Former Minors Who

Suffered From the Nazi Regime, the Association of Russians in Latvia and the Association of Russian Nationals have been denied registration.

11. The Russian-language cultural space has been seriously reduced: the dissemination of Russian mass media, including Russian television broadcasts, has been sharply restricted in Latvia.

12. The concern for the situation of the Russian-speaking population in Latvia is shared by independent experts and the international community. The OSCE mission in Riga keeps proposing to the Latvian authorities that they reduce the language and other requirements upon those applying for citizenship. In the view of the OSCE High Commissioner on National Minorities, Mr. van der Stoel, the legislation in force in Latvia creates excessively high barriers to naturalization, as reflected in the unjustifiably stringent requirements for knowledge of the language, history and constitution, and does not encourage efforts for the integration of non-Latvians into Latvian society.

* * *

It is probably worth repeating the universally known truth that observance of human rights and the building of a democratic State ruled by law are inseparable. And it is precisely for this reason, and in the interests of democracy, stability and inter-ethnic harmony in the European continent and, consequently, security, that there is growing concern over the situation of persons in Latvia and Estonia who are deprived not only of citizenship but also of a whole range of cultural and social economic rights that are directly associated with citizenship. The prolonged retention of a source of international tension in the centre of Europe cannot but run counter to the interests of the international community as well.

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RIGHT OF PEOPLES TO SELF-DETERMINATION

Letter dated 11 November 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I am writing to you in connection with the statement made in the Third Committee by the Permanent Representative of Albania to the United Nations, Mr. Pellumb Kulla, on 6 November 1996 during the consideration of the item entitled "The right of peoples to self-determination".

The representative of Albania has once again abused the debate on this agenda item to manifest that his Government openly interferes into the internal affairs of the Federal Republic of Yugoslavia. Mr. Kulla misrepresents the situation in the Autonomous Province of Kosovo and Metohija, especially the status of the Albanian national minority. He claims that the Albanians in the Autonomous Province of Kosovo and Metohija are a "people" and that they are entitled to the right to self-determination. However, the facts are different. The Republic of Albania is a country of the Albanian people. The Albanians of Kosovo and Metohija are by every definition of recognized international law a national minority. They are granted the highest standards of human and minority rights envisaged by the international legal instruments and political documents, but are not entitled to the right to self-determination. Under the Charter of the United Nations and other international documents, this right belongs only to peoples. Otherwise, the existence of a national minority in sizeable numbers in various countries could entitle them to a claim to the right of self-determination and would bring about chaos not only in Europe but all over the world.

In accordance with the present constitutions of Yugoslavia and Serbia, the Autonomous Province of Kosovo and Metohija is an integral part of the Republic of Serbia and the Federal Republic of Yugoslavia. Numerous institutional changes did not affect the autonomous status of the Autonomous Province of Kosovo and Metohija.

Time and again we have to emphasize that members of the Albanian national minority enjoy equal rights with all other citizens of the Federal Republic of Yugoslavia. In addition, the Province has a very large degree of autonomy. Their individual rights, as well as their collective rights stemming from their status of national minority, are not jeopardized in any way. Recently, a memorandum of understanding has been reached on the normalization of education in the Autonomous Province of Kosovo and Metohija, which was commended internationally, even in Albania. This shows that it is possible to solve any question through dialogue and by political means, despite numerous terrorist acts committed in the Province this year by Albanian extremists and the thinly disguised 'sabre rattling' in the statement of the Permanent Representative of Albania.

In assessing the situation in the Autonomous Province of Kosovo and Metohija, one has to bear in mind that the prerequisite of the realization of the rights of national minorities is, first and foremost, their loyalty towards the country in which they live. That is also the basic position contained in all international documents regulating this matter, such as the Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE) on human dimension and the Council of Europe Convention on national minorities. However, a large portion of the Albanian national minority persistently boycotts the public life in the Province, the Republic of Serbia and the Federal Republic of Yugoslavia. The underlying reason for the boycott is that the political leaders of this minority are preventing members of the Albanian national minority from exercising their constitutional minority and democratic rights, including the right to vote and cooperate in the conduct of the official census.

Yugoslavia is committed to good-neighbourly relations with all the Balkan countries. However, Albania's policy towards Yugoslavia has not changed during the entire period since the Second World War. Both past-Communist- and present regimes in Tirana have been consistent in their endeavours to dismember the former and present Yugoslavia and steadfast in their support for those forces in the Autonomous Province of Kosovo and Metohija calling for secession of the Province from the Republic of Serbia and the Federal Republic of Yugoslavia. In this connection, we particularly note that the decision of the People's Assembly of the Republic of Albania of 22 October 1991 recognizing the Autonomous Province of Kosovo and Metohija as a sovereign and independent State in contravention of the basic principles contained in the Charter of the United Nations, the OSCE Helsinki Final Act and the Paris Charter and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, has not yet been revoked.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 109.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 18 November 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Nigeria to the United Nations addressed to the President of the General Assembly

On the instructions of my Government, I have the honour to refer to General Assembly resolution 50/199 of 22 December 1995, concerning the decision of the Commission on Human Rights to send two thematic rapporteurs, on (a) extrajudicial, summary or arbitrary executions and (b) the independence of judges and lawyers, to Nigeria and to confirm that the Government of Nigeria has agreed to the visit, subject to a mutually agreed upon date, time-frame and work programme. In this connection, I wish to reiterate that when the Secretary-General's Special Envoy, Ambassador L. Kouyate, visited Nigeria recently, this same acceptance was conveyed to him by the Nigerian authorities. I should be grateful if the present communication could be distributed as a document of the General Assembly.

(Signed) Isaac E. AYEWAH
Ambassador
Chargé d'Affaires a.i.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 18 November 1996 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

I have the honour to enclose the response of the Government of the Sudan to the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan.

I should be grateful if the present letter and its enclosures could be circulated as a document of the General Assembly, under agenda item 110 (c).

(Signed) Elfatih M. ERWA
Permanent Representative

96-32759 (E) 261196 271196

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ANNEX

Response of the Government of the Sudan to the interim report on the situation of human rights in the Sudan prepared by Mr. Gaspar Biro, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1996/73 of 23 April 1996

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I. INTRODUCTION

1. At the outset the Government of the Sudan would like to welcome the objective and constructive remarks made by the Special Rapporteur (SR) in some paragraphs of the interim report including the following:-

   (a) The conclusion contained in paragraph 44 to the effect that , "the creation of the Special Committee, within the framework of the Consultative Council for Human Rights, and its investigation of allegations and the establishment of individual responsibility for crimes that are found to have been committed, is to be regarded as a positive step forward concerning the extremely serious question of slavery and similar institutions and practices".

   (b) On the willingness of the Government of the Sudan to extend invitations which would guarantee the transparency of the investigations, the SR has, in paragraph 43, expressed, "his full support regarding this invitation and he considers the realization in practice of this idea to be of the utmost importance concerning the issue of slavery and similar institutions and practices". And in this connection the Government of the Sudan would like to assure the SR that the idea has been realized in practice as would be explained in detail in Part 11 (B) of this response.

   (c) The recommendation contained in paragraph 52 (a) that the UN General Assembly and the international community "give priority to supporting the effective measures of a practical nature undertaken by the Government of Sudan to investigate all reported human rights violations " . Indeed the Government of the Sudan has been appealing for such support since 1991 and we hope that the call of the SR would find an immediate positive response.

(d) The recommendation contained in paragraph 52(b) that the UN General Assembly and the international community, "give priority to supporting the effective measures of a practical nature undertaken by the Government of the Sudan to improve the flow of information between the competent United Nations bodies and agencies."

2. It is the understanding of the Government of the Sudan that such objective and constructive remarks by the SR are in full conformity with Article 1 (3) of the Charter of the United Nations which defines the purposes of the United Nations as including the achievement of, "international CO-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."

3. In the light of such constructive approach, , the Government of the Sudan reaffirms its willingness to CO-operate fully with the SR despite the fact that it does not share the views expressed by the SR in many paragraphs of the interim report as would be explained in detail in this response. Moreover, we believe that the development of such attitude, rather than a confrontational attitude, would foster the common cause of promotion and protection of human rights, whether in the Sudan or anywhere else.

4. Having noted those overriding considerations, we introduce our response by referring to the fact that it is the fourth response submitted by the Government of the Sudan to the General Assembly since 1993. The history of the cooperation with the SR, our comments on the terms of reference of the mandate and on the legal framework are contained in our previous responses submitted to the Commission on Human Rights, the latest of which is contained in document (E/CN.4/1996/145) dated 2 April 1996.

5. Immediately after the adoption of Resolution 73/1996 of the Commission on Human Rights and after receiving the request made by the SR to visit the country, the Government of the Sudan has, in

compliance with its promise to cooperate with the SR, responded positively to the request.

6. The one postponement of the visit referred to by the SR was requested so as to enable the Government to make the necessary arrangements contemplated by operative paragraph 6 of Resolution 73/1996.

7. During the visit the SR has opted to concentrate on consultations with the competent Government authorities regarding recent measures undertaken by the Government in the field of human rights, including investigation of reported violations, with special emphasis on steps aimed at improving the situation of human rights in the Sudan.

8. Despite the fact that the SR has preferred to devote his visit to concentrate on consultations with the competent Government authorities, the SR has, in paragraph 2 of the interim report, referred to the fact that he has received numerous reports, information and testimonies regarding grave violations of human rights, especially violations mentioned in Resolution 73/1996, which have taken place since the renewal of his mandate in April 1996. Furthermore, the SR has noted those alleged violations, word by word, in paragraph 3 of the interim report.

9. We submit that such reference to the alleged violations and to the reports, information and testimonies received by the SR in that connection is unfair to the Government of the Sudan, since the SR has , by his own choice, opted not to verify such alleged violations by seeking reliable information as called for by his mandate, despite the fact that his presence in the country during 1-6 August 1996, would have given him an excellent opportunity to do so in a satisfactory manner.

10. Such reference by the SR to the alleged violations, before any verification is made, is very serious and should have been avoided, since it distorts the image of the Government irrespect of the outcome of the verification. Moreover, the violations are not specific but of a general nature and leaves no room for comment or explanation ".. summary executions, extrajudicial killings , arbitrary arrests, detention

without due process".. etc. It is understandable to find such language in resolutions, but to find the same language in the reports of the SR is unacceptable since his visit to the country should have given him the opportunity to report in specific terms giving, for example, specific figures, names and places.

11. CONSULTATIONS

11. Our protest contained in paragraphs 7-10 above is justified by the reference in paragraph 4 of the interim report to the effect that the SR will address reports and analyze information on grave violations of human rights in the Sudan in the final report to the Commission on Human Rights due in 1977.

A. The Advisory Council for Human Rights

12. For the purpose of setting the record right, the Council referred to in paragraph 6 is called the Advisory Council for Human Rights (ACHR), and was originally established as a coordination committee in 1992, but was later upgraded by a presidential decree to become an advisory council.

13. The recent activities of the ACHR include the following:-
    (a) Supervising the preparation of the periodic report of the Government of the Sudan under the International Covenant on Civil and Political Rights (five volumes) which has already been completed and is in process of being submitted to the Human Rights Committee.
    (b) Supervising the preparation of the periodic report of the Government of the Sudan under the African Charter of Human Rights .
    (c) Making the necessary arrangements for the visit of the Rapporteur of the Commission on Human Rights on Religious intolerance to Khartoum which has already taken place including the preparation of a note about the legal regime governing religious tolerance in the Sudan.

(d) Making the necessary arrangements for the visit of the delegation of the African Commission on Human Rights to Khartoum scheduled for 1-7 December 1996.

(e) Follow-up the implementation of the observations of the treaty body established under the International Agreement on the Elimination of All Forms of Racial Discrimination, including the request to amend the Sudan Penal Code so as to include racial discrimination as being a criminal offense. And we refer in this connection to the fact that the ACHR has already supervised the preparation of the periodic report of the Government of the Sudan under the above mentioned International Agreement.

(f) Providing logistic support for the investigation of the case of the twenty seven school boys brought to the attention of the Government of the Sudan by the letter of the SR dated 6 September 1996. The investigation team is scheduled to leave for Juba during 13-20 November 1996.

(g) Responding to the different communications addressed to the Government of the Sudan regarding alleged violations of human rights. For example the letter of Human Rights Watch dated 12 September 1996 was responded to immediately (appendix 1).

(h) Extending an invitation to the Working Group on Contemporary Forms of Slavery to send a delegation to the Sudan (appendix 2).

B. Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery.

14. Regarding the reference in paragraph 8 of the interim report that the Special Investigation Committee was created in May 1996, we would like to make the following clarifications:-

(a) By Resolution No. (1) of the Minister of Justice and Chairman of the Advisory Council for Human Rights dated 4 February 1996 the Committee was created to investigate cases of enforced or involuntary disappearances.

(b) By Resolution No.(2) dated 5 March 1996 the mandate of the Committee was extended to include the investigation of cases of alleged slavery and similar practices.

(c) By Resolution No.(3) dated 11 May 1996 the formation of the Committee was reviewed to give it more credibility.

15. As for the reference in paragraph 10 that during the past four years there have been consistent reports that the army of the Government of the Sudan and the Popular Defense Forces (PDF) have been ordered to collect civilians , mainly, women, children and elderly, from villages in which they have gained control from SPLA and to take these civilians to areas controlled by the Government of the Sudan, it seems that there is some misunderstanding on the part of the SR since the villages in which the Government forces have gained control from SPLA would become themselves a government controlled areas. Nevertheless, the fact of the case is that the Government policy is to declare certain suitable areas regained from the rebel forces as "peace villages" where the Government would maintain the presence of Government forces at all times to protect these areas against future attacks from rebel forces. And in addition to that the Government would provide humanitarian assistance to all civilians and make available some services and resources to enable the people to cultivate the land and maintain a normal life. Such policy encourages the civilians mainly women, children, and elderly to live in the peace villages, and the Government usually encourages such voluntary movement of population since it is practically impossible to provide food and protection for all civilians if they remain scattered all over the areas regained from the rebel forces. Therefore, it is inaccurate to state that the Government forces are collecting civilians without explaining the proper context of the situation. Furthermore, the civilians are free to move into or out of such peace villages, and many foreign observers have visited such villages and commended the efforts of the Government.

16. On the other hand, and in the same paragraph, there is another unfair reference to the effect that, "the SR as well as a large number of independent sources have consistently and constantly reported over the

past years on violations and abuses committed against the civilian population in the area of the Nuba Mountains by all parties to the conflict, including extrajudicial killings, deportations, abductions, looting and enforced mass displacement", as far as the Government of the Sudan is concerned, since such sweeping generalization, would not give the Government any opportunity to defend itself. Moreover, the SR has previously visited the area and should have been able to give details of such violations e.g. names, places, dates....etc. since, according to his mandate, the SR is supposed to seek reliable information, otherwise the Government would not be in a position to respond to such sweeping generalizations, and would request that such references not to be taken into consideration.

17. The Government of the Sudan notes with interest the remark made by the SR in paragraph 11 that concerning reports of enforced or involuntary disappearances it is necessary to establish and maintain contacts among all interested parties in order to clarify all aspects and to prevent such incidents, and the Government is ready to consider any specific measures to be proposed by the SR in this connection.

18. Although the Government of the Sudan has not signed the additional Protocol to the Geneva Convention of 12 August 1949, relating to the protection of victims of non-international armed conflicts (Protocol 11), as has been rightly observed by the SR in paragraph 11, we submit, in the light of the explanations given in paragraph 15 of this response, that the movement of the civilian population after fighting has taken place against the rebels is in conformity with the relevant provisions of the Additional Protocol, in particular the principles set forth in articles 4 and 17. Therefore, the investigation of alleged cases of disappearances by the Government, as well as other previously reported violations and abuses taking place in Southern Sudan and the Nuba Mountains, should be considered as being conducted in a satisfactory manner.

19. Although the duration of the Special Committee's mandate is not defined by a set date, as has been rightly observed by the SR in paragraph 8, its first activity report (disappearances) which was due by 15 August 1996 has already been submitted. Moreover, the Committee

has been instructed to make its final report on disappearances before 11 May 1997, one year from the date of its establishment.

20. The reference in paragraph 14, to the effect that since 1993 the SR has received consistent reports on slavery, slave trade and similar practices as being practiced in Al-Dhein, is unfair since the SR has the occasion to take the matter up with the Committee, but he has never done so. And we avail ourselves of this opportunity to urge him to communicate all his concerns to the Committee, giving the necessary details which would enable the Committee to investigate the matter in depth. Moreover, we do not understand why the SR has not made use of his visit to the Sudan during 1-6 August 1996 to investigate such practices, whether in Al-Dhein or in other locations as indicated in E/CN.4/1994/48, paragraph 63 (c), and E/CN.4/1996/62.

21. If the Dinka women and children were abducted by members of PDF during the past three years, as indicated in paragraph 14, then the traders of the Arab Rizeighat tribe in Nyamlell would not be in a position to be involved in their family reunification, as mentioned in the same paragraph, since the PDF work under the command of the Government armed forces, and not under the command of the traders of the Arab Rizeighat. And we once again fail to understand why the SR has declined to investigate such allegations while he was in the Sudan, and we urge him to hand over copies of the recent reports, referred - to in paragraph 14, to the Special Committee to include them in the investigations. However the SR himself is supposed to verify and investigate the reports he receives, and not confine himself to the repetition of the contents of such reports which are nothing more than mere allegations which need to be substantiated. And we submit that such repetition is unfair to the Government of the Sudan since it would be understood as an endorsement of their content, despite the fact that they have not been verified by the SR.

22. Regarding the inadequate funding of the activities of the Special Committee referred-to in paragraph 16, the Advisory Council for Human Rights was able to allocate more financial resources to the activities of the Committee including more than 500,000 LS. as incentives, and 650,000 LS. to finance its visit to Juba to investigate

some of the allegations contained in the letter of the SR dated 6 September. Furthermore, the Advisory Council is in the process of getting approval for the budget submitted by the Committee for the year 1997 which amounts to 25,000,000 LS. In addition to that, the Advisory Council is sparing no efforts in calling for logistic support to the activities of the Committee, and in this connection we make particular reference to our letter No. (MJ/Human Rights/77/29) dated 30 October 1996 addressed to the Resident Representative of the Untied Nations office in Khartoum (appendix 3).

Recommendations by the SR made during the meeting with the Special Committee

23. During the meeting with the Special Committee, the SR made useful recommendations regarding the methodology of its work, as contained in paragraphs 18-22 of the interim report, and the letter dated 6 September 1996. The Advisory Council for Human Rights has been closely following up the implementation of those recommendations, and the response of the Government of the Sudan in this connection is as follows:

24. Regarding its mandate of investigating cases of disappearances, a time frame has been set up for the Committee, as recommended by the SR, since as has already been indicated instructions have been given to the Committee to complete investigating disappearances by 11 May 1997, one year from its establishment. Bearing in mind the fact that the Committee has already submitted its two progress reports by 15 August, as called for by its mandate provided for in Resolution No. 3 dated 11 May 1996. As for the other mandate of investigating cases of slavery and similar practices, it is difficult to contemplate whether the Committee would be standing body that shall carry out its mandate indefinitely or an ad hoc body whose existence is limited, since the progress report already submitted shows that the Committee was not able to do much work in the field of investigating slavery due to the weather conditions, and, therefore, it would be premature to set a time frame right now. And we believe that it might be possible to do so after the Committee submits a second progress report.

25. As for the recommendation that the existence and the activities of the Committee should be publicized by the media, including radio and television broadcasts, the Committee has commenced recently regular media coverage, using funds made available by the Advisory Council, including the front page of the daily newspaper (Al-Sudan Al-Hadieth), which is widely quoted in all news bulletins of the radio and television (appendix 4). Such calls encourages all those who possess information related to the pertinent issues to share them with the Committee, and the calls are themselves an adequate assurance that such persons would not suffer reprisals, negative consequences or any other disadvantages.

26. The Committee has already involved representatives of local authorities and representatives of local communities in its activities and is intending to maintain such involvement on regular basis.

27. We believe that all the conditions for international participation, in the form of technical cooperation and advisory assistance, are guaranteed as contemplated in paragraph 21 of the interim report, and we are open to receive any suggestions by the SR in this connection.

28. After its scheduled visit to Juba during 13-20 November 1996 to investigate the case of the 27 school boys and the case of Mr. Anthon Ilario as requested by the SR in his letter dated 6 September 1996, the Committee is planning a visit to Wau to investigate the case of the children allegedly abducted from villages along the Babanusa-Wau railroad in June-July 1993.

C. Higher Authority for Elections

29. The Presidential and National Assembly election has taken place in March 1996 and not 1995. More than 50 foreign observers have come to the Sudan to observe the election process all over the country, including representatives of the United Nations Electoral Unit, observers from the OAU, representatives of the OIC, and representative of the Arab League.

30. The statement made by the election observers of the OAU includes the following remarks, "the OAU election observer Mission to the Sudan led by Ambassador Kemoko Keita arrived in the Sudan on 4 March 1996 and observed the election process for its duration including the counting of the ballots. The OAU Mission was based in Khartoum and traveled extensively through the country. The elections in the Sudan was clearly much more than just another routine opportunity for the people to exercise their democratic right to choose their representatives. The elections is a historical occasion, the first direct Presidential elections in the Sudan and the first time the voters in the newly democratic States have the opportunity to select their representatives to the new National Assembly."

31. Also the representative of the Arab League who has observed the elections has described it as an important constitutional development. Likewise, the representative of the OIC have made similar positive remarks.

D. Khartoum State Committee for Human Rights Education

32. Khartoum State Committee for Human Rights Education, being one of such committees of the 26 States in the country, was established in response to the request made by H. E. Mr. Jose Ayala-Lasso, the High Commissioner for Human Rights in his letter dated 6 November 1995. The request was addressed to all countries members of the UN, in furtherance of the Human Rights Education Decade 1995-2004. And we believe that the Government of the Sudan is one of the few Governments, if not the first Government, which has responded positively to such request. Therefore, such committee has nothing to do with the discussion of the 1995 and 1996 resolutions by the General Assembly and the Commission on Human Rights on the situation of human rights in the Sudan. And the Government of the Sudan should have been given credit for such initiative. Moreover, we expect the SR to recommend the allocation of some resources to develop the activities of such Committees in the Sudan in the field of human

rights' education, which is a long term plan for better promotion and protection of human rights.

E. Deputy Speakers of the National Assembly, the Chairman and Members of the Human Rights Committee and Representatives of the Women's Caucus of the National Assembly

33. Despite the assurance alluded to in paragraph 25 of the interim report, the Government of the Sudan is proceeding with its efforts to investigate the allegations of slavery and similar practices in a manner satisfactory to the international community. On the other hand, the Government of the Sudan is keen to undertake concrete steps in order to respond in an effective way and to improve the situation of human rights in the Sudan.

F. Chief Justice and Justices of the Supreme Court

34. The reference in paragraph 27 of the interim report that the President of the Republic is the guardian of the Judiciary, and that the Judiciary is responsible before the President for the performance of its functions, should be read and understood in the light of the strong guarantees for its independence and impartiality provided for in section 61 of Constitutional Decree 13/1995, namely:-

(a) The affairs of the judiciary (financial, administrative, and technical) shall be organized by the High Judicial Council presided over by the Chief Justice himself.

(b) The judge shall be guided by the concept of supremacy of the Constitution and law, and he shall adhere to this concept without inequity or fear or favour of any one save God.

(c) Judges are independent in the performance of their duties, and they shall have full judicial power in exercising their functions, and no one shall exercise, directly or indirectly, any influence on them.

G. Khartoum State Ministry for Engineering Affairs

35. According to the statistics contained in paragraph 28, the efforts of the Government of the Sudan in legalizing the status of 364,000 families (almost 2.5 million people) during the past few years, deserve to be commended and supported by the international community, talking into consideration the fact that such legalization includes the commitment of resources in allocation of lots of land to every family and in providing some basic services. Such support is urgently needed since 3,444 families are still to be accommodated. However, developmental support is needed more than temporary relief supplies.

H. Higher Council for Peace

36. The fact referred to in paragraph 30 that some former members of John Garang led SPLA - mainstream were detained by the faction itself for many years, supports the Government analysis that the primary causes of the armed conflict in the South are political and not of an ethnic, religious or cultural nature.

37. On the other hand the reference in the same paragraph 30 that, as long as the armed conflict continues, violations of human rights will not come to an end, justifies the view point expressed by the Government of the Sudan time and again that the majority of the allegations of human rights violations in the Sudan should be understood in the context of the armed conflict and not as a deliberate policy of the Government. And in this connection we refer to the fact that the efforts of the Government to find a peaceful solution for the armed conflict have been continuing non-stop since 1989, and, undoubtedly, the signature of the Peace Charter on 10 April 1996 is a significant step in the right direction, and deserves the support and encouragement of the international community as a whole.

38. On the other hand the Government of the Sudan is well aware of the importance of the satisfaction of the basic needs of the population in Southern Sudan to food and shelter which was referred-to by the signatories of the Peace Charter. The measures taken by the Government in this connection include the creation of the National Development Organization in 1991 with very broad goals, as has been explained to the SR, ranging from the training of teachers to activities in the banking sector, and ending with efforts made towards the realization of plans assuring self-sufficiency for the population in Southern Sudan, which is the most important objective.

I. Basic Principles of the New Political System

39. The basic principles of the political system implement in the Sudan include the following:-

(a) The separation of power between the legislature, the executive and the judiciary.

(b) The independence of the judiciary.

(c) The accountability of the executive before the legislature.

(d) Political equality for all citizens with guarantees for the largest possible political participation assuring the participation of different segments of the society in decision-making, such as youth, women, various social groups, trade unions and other civil organizations.

(e) Direct democracy as a better alternative for political parties which are not prerequisites of democracy.

(f) Promotion and protection of human rights and fundamental freedoms, including religious freedom without compulsion of any sort.

(g) Supremacy of the rule of law and justice.

J. Office of the Sudanese Commissioner for Refugees

40. In this connection we would like to underline the major concerns already alluded to by the Government relevant authorities who have met the SR, namely:-

(a) That the Sudanese refugees currently abroad encounter several difficulties and are living in abject conditions.

(b) No measures had been taken to prevent recent massacres of Sudanese refugees despite the clear responsibility of the rebels for such massacres and for the abduction of children from the Sudanese refugee camps.

(c) The requests that had been made by the representatives of the Government of the Sudan to visit the Sudanese refugee camps had turned down.

(d) A large number of Sudanese refugees had not been allowed to repatriate.

(e) Lack of equality in treatment of countries receiving refugees and the continuous declining of international assistance to the Sudan, despite the fact that the Sudan has accommodated over one million refugees over the past 30 years.

41. We look forward to the promise of the SR that he will address the issue in more detail in his final report to the Commission on Human Rights.

K. Ministry of Social Planning

42. It is interesting to note that the SR, in paragraph 34 of his interim report, has blamed the Government of the Sudan for not providing him with specific information, except the general allegation that hundreds of boys were taken by SPLA to Cuba. As it is clear the Government has in fact provided some specific information, namely, the "faction" which has taken the children and the "place" where the children were taken. Ironically, the SR himself has on many occasions accused the Government of the Sudan of "summary executions, extrajudicial killings, arbitrary arrests, detentions without due process of law.. etc." without giving any specific information regarding the names, the places or the dates pertaining to those alleged violations.

43. Furthermore, we find, in the same paragraph, a reference by the SR that, " one of the boys was reportedly arrested and tortured by the security in Kosti in mid 1995," and we hope that the SR would be in a

position to provide some "specific information" which would enable us to investigate such allegation.

L. General Federation of Sudanese Women

44. It is worth mentioning that, in the field of eradication of traditional harmful practices, the chairperson of the Commission on Human Rights' Mechanism for eradication of traditional harmful practices has commended the Sudan as one of three countries, world-wide , which have taken concrete measures in this connection. Such reference was made in the report submitted to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in August 1996.

45. On the Other hand we strongly urge the SR to call for financial support for the Medical Center for Victims of Traditional Harmful Practices created in Khartoum in December 1995, since the serious financial problems have compelled the center to focus only on psychological treatment. Moreover, we urge him to include in such call financial support for the similar institution which the Federation of Sudanese Women is intending to open in El-Fasher.

M. Sudan Council of Voluntary Agencies

46. Since the SR agrees with the Sudan Council of Voluntary Agencies that all NGOs personnel active in the Sudan and working in accordance with internationally recognized principles of humanitarian law have the right to be protected and conduct their work without harassment, we expect him to take up the matter of the several cases of the killings of national NGOs staff members, including the killing in Malakal of Muwafaq Foundation Staff members and the detention of a member of the Islamic African Relief Organization for 10 years by the rebels.

47. We fully support the request made to the SR by representatives of the Sudan Council of Voluntary Agencies on 6 August 1996 to help the national NGOs achieve their goals, including the following:-
    (a) Funding of humanitarian projects.
    (b) Capacity building.
    (c) Creation of a conducive atmosphere for cooperation with international NGOs and United Nations agencies.
    (d) Give special attention to the right to development by urging the developed countries to provide the necessary funds.

N. Sudanese Jurists Union

48. The creation of the Sudanese Jurists Union deserves to be commended by the SR as a positive addition in the field of the protection and promotion of human rights in the Sudan. And it is the policy of the Government of the Sudan to encourage the civil society to organize itself in NGOs, especially in the field of the protection and promotion of human rights.

III. CONCLUSIONS AND RECOMMENDATIONS

(A) Conclusions

49. Unfortunately we are not in a position to comment on the reports which the SR has continued to receive, since the renewal of his mandate in April 1996, about the alleged violations of human rights in the Sudan, since the SR has not disclosed the contents of such reports, despite the fact that he has visited the Sudan during 1-6 August 1996.

50. We submit that the SR is not justified in concluding, in paragraph 41 of his interim report, that the frequency and seriousness of these reports proves that, since April 1996 the situation of human rights in the Sudan, in certain areas, has deteriorated at an unprecedented pace as

compared to the previous years. The reasons for our submission are as follows:-

(a) According to the mandate of the SR he is obliged to verify such reports by seeking reliable information and not to draw conclusions on the basis of such reports before verification.

(b) The Government of the Sudan has given the SR the opportunity to verify such reports by receiving him in Khartoum during 1-6 August 1996, nevertheless, he has declined to make any efforts to verify such reports and has opted to devote his visit to consultations with Government authorities on different issues. Not only that, but the SR has not even disclosed the contents of such reports to the Government authorities.

Therefore , and in the light of the above, the Government of the Sudan wishes to emphasize that the international community should consider as invalid and inapplicable to the present situation the provisions of Resolution 1996/73 of April 1996 of the Commission on Human Rights that endorsed the conclusions of his previous reports.

51. Our point of view expressed in paragraph 50 above is further supported by the admission made by the SR himself in paragraph 42 of his interim report where he has stated that, "an analysis of all these reports will be included in the final report to the Commission on Human Rights. The present interim report concentrates on consultations held with the Government of the Sudan officials during the visit to the Sudan in August 1996". Obviously, the SR is requesting the international community to accept his conclusions based on these reports before he analyzes such reports and before verifying their contents.

52. Also we do not believe that anyone would be able to understand the conclusion of the SR in Paragraph 43 (a) of his interim report to the effect that the Political Agenda of the Government will not change since the principles and the basic regulations laid down in constitutional decrees 1-13 as amended will be strictly observed in the policy-making process and no change will be made to these principles and basic regulations. The obvious reason for our submission is the fact that the constitutional decrees 1-13 which contain the Political

Agenda of the Government, as has been rightly said by the SR, have not been promulgated at one time but during several years, since the Constitutional Decree No.1 was promulgated in 1989 while the Constitutional Decree No. 13 was promulgated in 1996. On the other hand, and to give a concrete example of the changes introduced by these decrees, we refer to the organization of the legislative power, as an example. According to the Constitutional Decree No. 1 such power was vested in the Revolutionary Command Council (RCC), then after its dissolution the legislative power was vested by the Constitutional Decree No. 5 in the Transitional National Assembly (appointed body), then afterwards the Constitutional Decree No.5 was repealed by the Constitutional Decree No. 13 and the legislative power was vested in the National Assembly (elected body).

53. Having made the explanations referred-to above, we fail to understand what the SR means by the remark that " the Political Agenda of the Government will not change", and we appreciate very much if he can tell us what kind of change he would like to see in the Political Agenda of the Government of the Sudan.

54. We fully agree with the conclusion contained in paragraph 43(a) of the interim report to the effect that with every new day without peace, the suffering of the citizens, regardless of their social status, ethnic origin or religious affiliation are deepening and the efforts required to rebuild the basic infrastructure facilities and to return life to normal will increase, and that one of the consequences of this situation is that the Sudan needs now and in the foreseeable future substantial external assistance. And we would like to see this conclusion reflected in any resolution adopted.

55. Also we agree with the conclusion of the SR contained in paragraph 43(b) to the effect that at the level of public discourse, some important questions related to the situation of Human Rights are now being addressed by Government Officials and among the most important are reports of slavery and similar institutions and practices together with the situation of certain categories of children.

56. Regarding the statement released by the Ministry of External Relations in July 1996 on the issue of slavery and slavery like practices , it is to be noted that the statement was released in a Press Conference and was made available in Arabic and English languages to all those who have attended the Press Conference, and it was only an oversight on our part that the SR was not provided with a copy of the statement and we offer our apologies to him. Therefore, the Government has already disseminated the statement to a broader audience.

57. With regard to the reference made by the SR that he expressed his full support to the involvement of the international community on the issue of slavery, and that he considered the realization in practice of this idea to be of utmost importance, we draw his attention to the fact that the Government of the Sudan has taken concrete measures in this connection by extending an invitation to the Working Group on Contemporary Forms of slavery to send a delegation to the Sudan (Annex 2). Moreover, the Government of the Sudan has welcomed a delegation of the African Commission on Human Rights to come and visit the Sudan during 1-7 December 1996.

58. We appreciate the objective and constructive remarks of the SR, contained in paragraph 44, to the effect that he considers the creation of the Special Committee to investigate allegations of slavery as a positive step.

59. The SR should not be amazed if he was not informed by the Government of some important developments and activities, since to make achievements in certain fields the handling should be in a manner different from the confrontational approach, taking into account the social and cultural particularities.

60. Regarding the situation of children, the Government of the Sudan appreciates the recognition of the SR of the steps undertaken by the Government in order to ensure the organizational framework of the work at the level of different State organs and agencies, and also his recognition of the efforts made towards a larger decree of cooperation between the Government and International Organizations, in particular the UNICEF office in Khartoum.

61 The Government also appreciates the welcoming by the SR of the opening of a center for traumatized children in Juba in August 1996.

62. There is no legislation affecting in a negative way the situation and activities of different Christian Churches and denominations in the Sudan, as referred to in paragraph 47, and indeed if there is such legislation, the churches and their institutions in Khartoum State alone, would not have reached more than 200 units.

63. Since the SR will address the problems referred - to in paragraph 47 in detail in his final report, we see no point in responding to them right now. And they should not have been mentioned by the SR in the first place.

64. We share the views expressed by the SR regarding the importance of a continuous, substantial and effective flow of information between the Government of the Sudan and the United Nations bodies and agencies dealing with human rights' issues, including the SR. And as a practical application of this understanding the Government of the Sudan has, after the visit of the SR to Khartoum in August 1991, received Mr. Abdel Fatah Omer, the Rapporteur on Religious Intolerance of the Commission on Human Rights. Moreover, the Government has already extended an invitation to the Rapporteur on Freedom of Expression.

(B) Recommendations

65. The provisions of the previous resolutions on the situation of human rights in the Sudan, referred - to in paragraph 3 of the interim report, should not be taken in consideration, since the SR has not, during his August 1996 visit to the Sudan, verified the allegations contained in such provisions, nor has he sought reliable information to substantiate them.

66. To perform the functions referred - to in paragraph 51(a) of the interim report, the Advisory Council for Human Rights would need technical and material support.

67. The Government of the Sudan assures the international community that all those who provide information or submit complaints regarding violations of human rights will not suffer any reprisals, negative consequences or any other disadvantages.

68. We request the SR to be more specific regarding the definition of the terms of reference of the mandate of the Special Committee. As for the duration in time of the Committee we have already explained the time frame fixed for investigating disappearances, and we are in the process of doing likewise with regard to investigations of slavery.

69. The recommendations of the SR to ensure wide publicity of the activities of the Special Committee has already been compiled with. However, the findings of the Committee in its 15 August 1996 progress report, are the same as the briefing given to the SR during his recent visit to Khartoum.

70. The Government of the Sudan has taken note of the other recommendations address to it.

71. The Government of the Sudan adds its voice to the SR in urging the UN General Assembly and the international community to: -

(a) Give priority to supporting the effective measures of a practical nature undertaken by the Government of the Sudan to investigate alleged human rights violations.

(b) Give priority to supporting the effective measures of a practical nature undertaken by the Government of the Sudan to improve the flow of information.

72. The UN General Assembly should disregard the recommendation contained in paragraph 52(c) of the interim report regarding the placement of human rights field officer to monitor the situation of human rights in the Sudan since the open-door policy adopted by the Government of the Sudan in the field of human rights has facilitated the improved flow of information and assessment and has fostered independent verification of reporting. Such policy is evidenced by the recent visit to the Sudan by the Special Rapporteur himself and the

Rapporteur on Religious intolerance and by the invitations extended to the Working Group on Contemporary Forms of Slavery and the Rapporteur on Freedom of Expression. Furthermore such policy is evidenced by the expected visit to Sudan of the delegation of the African Commission on Human Rights scheduled for 1-7 December 1997.

73. In the light of the positive developments in the field of humans rights in the Sudan, the UN General Assembly is kindly urged to discontinue the consideration of the situation of human rights in the Sudan and to take it off its agenda.

APPENDIX 1

Letter from the Rapporteur of the Advisory Council for Human Rights to Human Rights Watch

Referring to your fax message (incomplete) dated 12 September 1996 please note the following:

(1) The trial is not secret and is properly conducted under the People's Armed Forces Act 1986 which is more or less similar to armed forces laws worldwide. Attached herewith is some media coverage of the trial.

(2) Regarding the opposition of Human Rights Watch to the death penalty we believe that we are entitled to hold different views on that issue.

(3) In fact there are 10 civilians among the accused persons, some of them retired army officers, but the proper legal procedures have been followed since the Commander-in-Chief (the President of the Republic) has by his letter dated 13 August 1996 obtained the consent of the Minister of Justice to subject such civilians to military trial in accordance with section 4 of the above-mentioned Act.

(4) Able defence lawyers are defending the accused persons led by Advocate Dafaala Al Radi. In fact the defence lawyers were able to suspend the court sessions by petitioning the Minister of Justice to join them in challenging the offer of pardon to one of the civilian accused persons to give testimony against the others. The petition is now under consideration by the Minister of Justice.

APPENDIX 2

Letter dated 26 June 1996 from the Permanent Representative of the Sudan to the United Nations Office at Geneva addressed to the Chairman of the Working Group on Contemporary Forms of Slavery

I have the honour to convey to you an invitation extended by the Government of the Sudan to the Working Group on Contemporary Forms of Slavery to send a delegation to the Sudan to discuss with the concerned authorities the allegations and accusations of slavery in the country. The Working Group is, of course, free to establish contact with any person or group it deems necessary for the implementation of its mandate.

The time of the visit will be agreed upon in due course.

I would appreciate receiving your kind response to enable me to relay it to the competent authorities, in order to make the necessary arrangements for the success of the visit.

(Signed) Ali Ahmed SAHLOUL
Ambassador
Permanent Representative

APPENDIX 3

Letter dated 30 October 1996 from the Rapporteur of the Advisory Council for Human Rights to the Resident Representative, United Nations Office at Khartoum

The Committee established by the Advisory Council for Human Rights to investigate allegations of slavery is intending to visit Juba and Wau in response to the request of Mr. Gaspar Biro, the Special Rapporteur on the situation of human rights in the Sudan, contained in his letter dated 6 September 1996.

I wonder if there is any possibility for the Committee to use your chartered flights to Juba and Wau since the budgetary arrangements will take some time and we are keen to explore all possibilities to enable the Committee to conduct the investigation without any delay.

If you are in a position to respond positively to our request, the number of seats needed and the dates of departure and return are to be agreed upon with Advocate Ali Elnasri, the Chairman of the Committee, tel. 775055.

(Signed) A. ELMUFTI
Rapporteur of the Advisory Council
for Human Rights

APPENDIX 4

[Original: Arabic]

Announcement by the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, published in the newspaper Al-Sudan al-Hadith on 6 November 1996

MINISTRY OF JUSTICE

Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery

The Committee inquiring into cases of enforced disappearance and allegations of slavery and practices similar to slavery announces that it will accept and investigate any complaints or other communications concerning these matters that it receives from citizens.

The Committee requests citizens who have information in their possession or who have allegations to make concerning cases or practices of this type in any part of the Sudan to communicate with it promptly, on a Wednesday, through its office in the General Law Department of the Ministry of Justice.

Ali Ahmad AL-NASRI
Chairman of the Committee

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Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Note verbale dated 17 September 1996 from the Permanent Mission of Egypt to the United Nations addressed to the Committee against Torture

The Permanent Mission of the Arab Republic of Egypt to the United Nations presents its compliments to the Secretariat of the United Nations in New York and, through the Secretariat, to the Committee against Torture, and with reference to the note dated 8 May 1996 circulated by the Secretary-General concerning the summary account of the results of the proceedings relating to the inquiry on Egypt that the Committee, at its 256th closed meeting, on 7 May 1996 in Geneva, decided to include in its annual report to the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the General Assembly at its fifty-first session, has the honour to enclose herewith the remarks and clarifications of the Government of Egypt (in Arabic, English and French) in this regard; and, with reference to this Mission's note dated 20 July 1996 requesting that the remarks of the Egyptian Government be circulated to all States parties to the Convention against Torture, has the further honour to request that these remarks (see annex) be issued as an official document of the fifty-first session of the General Assembly, under agenda item 110 (b).

ANNEX

[Original: Arabic, English and French]

Observations and clarifications of the Egyptian Government concerning the summary account of the results of the proceedings relating to the inquiry of the Committee against Torture on Egypt which the Committee decided at its 256th (closed) meeting on 7 May 1996, to include in its annual report to the States parties and to the General Assembly at its fifty-first session' notwithstanding the objection of the Egyptian Government

1. The Egyptian Government reaffirms its determination to comply with its treaty obligations emanating from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this context, the Egyptian authorities, as recognized by the Committee in its conclusions and recommendations, have cooperated with the Committee in a positive and constructive manner and have submitted written and oral responses to the questions of the members of the Committee.

2. The Egyptian authorities have exercised care in replying to most of the allegations included in the reports of the Special Rapporteurs, despite the inaccurate and insufficient nature of the information contained in these reports, as pointed out by the Egyptian authorities in their consecutive replies. Moreover, the said authorities have also followed up other cases brought to its attention with a view to informing the Committee of the legal action taken in regard to them.

3. Egypt's abstention from issuing a declaration with respect to article 22 of the Convention against Torture would have entitled it not to comment on those allegations derived by the two experts from sources other than those emanating from the Special Rapporteur on torture. However, on the basis of "bona fide", the Egyptian Government replied to the questions directed to it, notwithstanding the fact that this should not have been interpreted as a licence to the Committee to draw conclusions based on information derived from such sources.

4. While affirming its commitment to the provisions of article 2, paragraph 2, of the Convention concerning the inadmissibility of invoking any exceptional circumstances whatsoever as a justification for torture, the Egyptian Government totally rejects the use of individual allegations, the credibility of which has not been categorically established in a legal manner, to hastily accuse a State party of the systematic practice of torture on its territory, particularly in the absence of objective explanations of that concept.

5. Most of the allegations concerning torture in Egypt relates to individuals who have been accused or convicted of acts of terrorism. Such individuals have alleged, or have had other persons or non-governmental organizations allege on their behalf, that they were subjected to torture as a pretext to avoid conviction.

6. The Egyptian Government wishes to affirm that it is confronting crimes of terrorism with due regard to legitimacy and the rule of law, within a framework of integrated policies aimed at combating this phenomenon through socio-economic development, public awareness and compliance with the law.

7. The Egyptian Government confirms that it remains committed to the implementation of the provisions of the Convention despite the crimes of terrorism, which Egypt witnessed, aimed at overthrowing the democratic system. Such crimes have threatened freedom of opinion, thought and faith and have violated the rights of citizens, and in particular their right to life, in addition to having been directed against the efforts of the Egyptian Government to promote the principle of constitutional legitimacy and the rule of law.

8. While considering the report of the two experts designated by the Committee against Torture to undertake the confidential inquiry, the Committee should have taken the following into consideration:

(a) The care exercised by the Egyptian legislature in providing for an important safeguard by stipulating that criminal or civil proceedings arising from crimes of torture are not statute-barred, thereby ensuring that the guilty parties do not escape punishment and that compensation is paid to the injured parties;

(b) The strong legislative and judicial base that Egypt enjoys, as acknowledged by the Committee, which acts as a deterrent and punishes anyone found guilty of committing the crime of torture. The two experts have already been provided with comprehensive statistics concerning cases in which custodial sentences have been handed down against offenders or in which compensation has been awarded to the victims;

(c) The fact that those violations constitute exceptional individual cases which the two branches of the judicial authority (the Department of Public Prosecutions and the judiciary) are investigating with a view to the handing down of legal judgements therein;

(d) The reason for the absence of elaborate publication concerning investigation proceedings in cases of torture, which is to ensure that justice be done in the face of the terrorists' expected targeting, for assassination or threats, of persons involved in investigations or trials during the examination stage and before sentencing;

(e) The Egyptian Government did not challenge, at any stage of its dialogue with the Committee, the request by its two experts to visit Egypt. However, it has always affirmed the need to discuss the framework within which the visit might take place in the light of a clear understanding of the articles of the Convention, and as one of the important considerations which would enable the Government to take a decision in this regard;

(f) Moreover, the dialogue between the two experts and the Egyptian Government was confined to the transmission of a few questions in 1993, to which the Government replied. The State party was not subsequently confronted with any inquiries or allegations (contrary to the Committee's resolution adopted on

18 November 1993), while the two experts continued to draw and rely on information that they presumed to be true without soliciting comments or observations from the State party and without even requesting their informants to provide them with copies of the full replies that they had received from the State party. Such a course of action inevitably leads to an incomplete picture of the case at issue and raises doubts about the accuracy of the conclusions reached and the procedures followed;

(g) Egypt's eagerness to continue the dialogue with the two experts of the Committee prompted it to propose that the authorities concerned send a delegation to meet with them, and it immediately welcomed their acceptance of that offer. The Egyptian delegation provided further details and statistics confirming that the rule of law in Egypt was respected, that persons found guilty of committing the crime of torture were punished and that all State institutions were committed to the application and implementation of the national legislation. Such details provided covered court judgements imposing penalties, awarding compensation or ordering a search of places of detention. However, the two experts made no mention of that information in their report, nor did they use it as a basis when drawing their conclusions, thereby committing a breach of procedure, which must therefore be redressed.

9. Within the framework of its endeavours to keep pace with the international human rights movement, the Egyptian Government wishes to state the following:

(a) Under the Egyptian legal system, the Department of Public Prosecutions and the examining magistrates are the bodies empowered to conduct investigations and institute proceedings. The said Department has the authority to file complaints, prosecute and refer for trial. Its members, headed by the Attorney-General, therefore enjoy judicial immunity and independence in conformity with the United Nations principles regarding the independence of the judiciary;

(b) The Department of Public Prosecutions has instituted a specialized Office on Human Rights issues headed by the Assistant Attorney-General. The said Office was in a position to take action in numerous cases in question, as reflected in the replies sent to the Special Rapporteur on torture towards the end of 1994;

(c) The Department of Public Prosecutions is taking the measures necessary to strengthen and develop the Office by increasing the number of its staff, providing it with an adequate number of highly qualified and experienced personnel to ensure the rapid performance of the administrative work concerning current cases in question being handled by the Office, and providing it with the modern technology in order to facilitate the collection and publication of statistics required for the serious monitoring of those cases. The said Office has been granted central jurisdiction to take action in cases;

(d) A specialized section has been also established at the said Human Rights Office to investigate reports of torture with the support of an adequate number of full-time members of the Department of Public Prosecutions. In addition to investigating reports, this section monitors criminal cases in which defendants are acquitted on the ground of their subjection to torture. The section supervises also the strict enforcement of the legal and procedural

provisions concerning cases of torture, particularly in regard to the conditions governing on-site inquiries, the assignment of forensic-medicine examiners, the inspection of prisons and all types of places of detention. These procedures confirm the information requested by the two experts of the Committee against Torture in their conclusions;

(e) The Police Academy exercises care in developing its curricula in a manner consistent with international standards, particularly in the field of human rights. In collaboration with the Centre for Human Rights in Geneva, it has organized two training courses for officers and instructors. The Centre has commended the standard of the participants and the success of the two courses. The Police Academy also sends groups of students on training visits to other human rights centres.

10. The two experts designated by the Committee against Torture to undertake the confidential inquiry drew hasty conclusions that were not based on solid information, hence not reflecting the objective facts, since they failed to take into account the viewpoints of all the parties concerning many of the allegations transmitted, allegations which were founded neither in fact nor in law. Moreover, they failed to complete the procedures laid down in article 20 of the Convention and the Committee's resolution adopted on 18 November 1993 as regards their duty to continue requesting information from the State party.

11. The raison d'être of the opposition by the Egyptian Government to the stand of the Committee regarding the inclusion of the summary account of the results of the proceedings relating to the confidential inquiry on Egypt in the annual report of the Committee to the General Assembly at its fifty-first session can be summarized as follows:

(a) The deliberations concerning Egypt were characterized by a number of substantive and procedural anomalies which were described in detail in the Government's reply dated 30 January 1995; thus the outcome of those deliberations was incomplete and should be reviewed in a proper manner in order to be redressed;

(b) The provisions of article 20, paragraph 5, of the Convention stipulate two basic conditions for the Committee's publication of a summary account of the results of the proceedings in its annual report. The first condition is that the proceedings must have been completed, and the second condition is that such publication may be effected only after consultations with the State party concerned. The Egyptian Government believes that the proceedings are still incomplete and wishes to draw attention to the fact that consultations are not meant to be a mere notification to the State party of the Committee's intention to publish such an account, as has happened in the case of Egypt;

(c) The wisdom behind the stipulation of these two essential conditions in article 20, paragraph 5, of the Convention stems from an acute awareness of the principle of the sovereignty of the State and the need to establish a delicate balance between this principle and the measures that the Committee can take. Accordingly, the Egyptian Government has the firm conviction that the fact that the Committee sought the Government's opinion concerning publication does not entitle the Committee to take a unilateral decision in this regard before

discussing the arguments, the legal justifications and the conditions of appropriateness to which the Egyptian Government has already referred in its dialogue with the Committee, to which the Committee has not yet responded. Any assertion to the contrary would place consultation and mere notification on an equal footing, confusing both of them, and would run counter to the letter and spirit of the Convention;

(d) It is noteworthy that, in the absence of clearly defined objective criteria concerning cases which the Committee may decide to include in its summary, publication should be restricted to exceptional situations, such as cases in which a State party might refuse to reply to the Committee's inquiries, to provide it with the information and details that it requires or to cooperate with it, and in cases where there is coherent legal evidence that torture is being practised systematically in that State party. Any of such examples does not definitely apply to the case of Egypt.

12. The Egyptian Government had hoped that the Committee would have not taken a hasty decision on this matter until it had first verified the allegations that some circles were eager to transmit to the two experts of the Committee. Egypt has never been a State in which torture was an institutionalized or a systematic practice, as some wish to portray it without objective foundation. The question is limited to a small number of individual and isolated cases in which the offenders are held accountable and punished, in case the investigation and the judicial verdict prove it, in the light of the State's desire to ensure the enforcement of the law while showing no indulgence towards offenders of the crime of torture, as reflected in the detailed replies of the Egyptian authorities to the Committee.

13. In this regard, the Egyptian Government wishes to reaffirm that it fully respects and takes care to fulfil its obligations under the Constitution, its national legislation and the Convention against Torture, not solely as a legal obligation but also in view of its firm belief that the rule of law is the basis of democracy, without which the Egyptian people would be unable to achieve the progress and advancement to which they aspire.

Notes

* Official Records of the General Assembly, Fifty-first Session, Supplement No. 44 (A/51/44), chap. V, sect. B.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 22 November 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Greece to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you the attached reply to addendum 1, concerning a visit to Greece, to the interim report on the elimination of all forms of religious intolerance prepared by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights, pursuant to General Assembly resolution 50/183.

Since Greece was deprived of its right of reply on the occasion of the oral introduction of the report, owing to its late distribution, I should be grateful if you would have the text of this letter and the attached reply circulated as a document of the General Assembly under agenda item 110 (b) before the Third Committee completes its work.

(Signed) Vassilis KASKARELIS
Chargé d'affaires a.i.
Deputy Permanent Representative

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ANNEX

Reply of the Greek Government to addendum 1, concerning a visit to Greece, to the interim report on the elimination of all forms of religious intolerance prepared by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights (A/51/542/Add.1)

The Greek Government welcomes the productive dialogue initiated between the Special Rapporteur on religious intolerance, Mr. Amor, and the Greek authorities, the religious and political leaders of the religious communities, the ecclesiastical authorities of the Orthodox Church, independent prominent persons and representatives of non-governmental organizations.

As noted by the Special Rapporteur, the various aspects of religious freedom - including freedom of belief, freedom of religious conscience, and freedom of worship and of the practice of rights of worship - have a sound legal foundation in article 13 of the 1975/1986 Greek Constitution. Greece is deeply committed to the effective respect of its international undertakings in this area, including article 9 of the European Convention on Human Rights, the relevant provisions of the 1923 Treaty of Lausanne, and the political undertakings entered into within the Organization for Security and Cooperation in Europe. Similarly, it should be recalled that Greece co-sponsors the resolution adopted each year by the General Assembly on the elimination of all forms of religious intolerance. Furthermore, the question of the ratification of the International Covenant on Civil and Political Rights, article 18 of which concerns freedom of conscience and religion, has recently been referred to the Greek Parliament.

I. Concerning the legal framework for the protection of religious freedom in Greece, the Special Rapporteur considers that the concept of "known religion", embodied in article 13 of the Constitution, "would appear to contravene the 1981 Declaration" on religious intolerance. This concern would seem to be unjustified. The purpose of the concept is to draw a distinction between religious beliefs to which everyone has access, and dogmas or sects whose activities are clandestine or even dangerous, as demonstrated by the recent tragic events in Japan, Switzerland and elsewhere, which led to the death of many people. It should be noted in this connection that all the relevant international instruments - including article 18 of the International Covenant on Civil and Political Rights - provide for the possibility of limiting religious freedom for reasons of public policy. As the Special Rapporteur himself acknowledges, all the religions to which he refers have long been recognized as "known religions" by the highest authorities of the Greek State, including the Council of State.

The Special Rapporteur places particular emphasis on the Greek legislation (Act 1672/1939) which penalizes proselytism. In combination with article 13 of the Constitution, this Act applies to all religions. In fact, it penalizes proselytism involving fraudulent means or promises of material gain. As the European Court of Human Rights recognized in the Kokkinakis case (judgement of

25 May 1993), the Act in question is designed to protect religions against interference in bad faith and not to restrict freedom of religious instruction.

The Court admittedly contested the application of Act 1672/1939 to the case in question, but in no way questioned the compatibility of the Act with article 9 of the European Convention on Human Rights, concerning freedom of conscience and religion.

The Special Rapporteur expresses "concern" about the fact that article 3 of the Constitution states that the dominant religion in Greece is that of the Eastern Orthodox Church of Christ. Without listing the States whose Constitution or legislation contain analogous provisions, we must note, as does the Special Rapporteur himself, that "a State religion does not in itself run counter to any international instruments" (para. 19). The concept of a "dominant religion" does not mean that the religion concerned exercises any power over the other religions. Article 3 of the Constitution reflects, in legal terms, the objective fact that the Orthodox Church is the religion of the overwhelming majority of the population of Greece (98 per cent), and has played and continues to play an important role in Greek cultural life.

With regard to the legislation concerning places of worship, the Special Rapporteur observes that a government permit issued by the Ministry of Education and Worship is required for their construction or establishment. It should be noted in this connection that the administration does not have discretion to grant or refuse the necessary permit. It must simply determine whether the conditions established by law have been met in each specific case.

It is true, however, that in practice certain procedural delays have required effective intervention by the Council of State. The Greek Government has taken due account of the Special Rapporteur's observations concerning simplification of the procedure.

II. Concerning the situation of the religious communities, the Greek Government is gratified to note a series of positive comments by the Special Rapporteur.

As Mr. Amor notes, "the situation of the Catholic Church in the religious sphere is said to be satisfactory, in particular with respect to its religious publications and processions". With regard to the vandalism perpetrated in the courtyard of the Cathedral of St. Denis in Athens in February 1996 by extremist elements, the Ministry of Foreign Affairs has expressed its sympathy to the Catholic Archbishop and requested the Ministry of Public Order to make sure that the perpetrators are brought to trial.

Concerning the Protestant community, the Special Rapporteur observes that "the situation of Protestant religions in the religious sphere does not seem to be difficult, particularly with respect to religious publications".

With regard to the Jewish community, the Special Rapporteur, after reviewing a series of specific issues, concludes that its situation is "eminently satisfactory".

In the case of the Muslim minority, the Special Rapporteur emphasizes its religious character, in accordance with the terms of the 1923 Treaty of Lausanne. Concerning the question of the muftis, the Special Rapporteur aptly observes that "in countries where Islam is the dominant religion ... it is common practice for the head of the religious hierarchy to be appointed by the State". On this point, Greece respects that practice. Moreover, since muftis in Greece have judicial functions which extend to family law and the law of succession, to appoint them through an election would jeopardize fulfilment of the provision in the Constitution (art. 8) stating that judges shall be appointed in accordance with the law; it would also compromise the principle of the independence of judges, both individually and in the exercise of their office, since it would create a situation of political patronage.

The Special Rapporteur also notes that "religious rites, practices and holidays and, in particular, the Ramadan fast, seem to take place freely and with the participation of theologians from the Arab countries and Turkey". The Special Rapporteur likewise emphasizes that the Koranic schools in Komotini and Echinos are functioning normally and that the Muslim community has at least 300 mosques in Thrace (paras. 109-110). In Thrace, the ratio of mosques to the Muslim population is higher than the ratio of Orthodox Churches to the Orthodox population.

With regard to the education of the Muslim minority, the Special Rapporteur observes that Turkish is taught in over 240 minority primary and secondary schools. He also emphasizes the recent efforts of the Greek Government in the area of higher education. An important law adopted in October 1995 greatly facilitates the admission of Muslim students to Greek universities and higher-level technical institutes.

It can thus be seen that Greece is scrupulously respecting its international commitments deriving from the 1923 Treaty of Lausanne and is continually seeking to improve the situation of the Muslim minority in a spirit of tolerance, non-discrimination and the rule of law.

Lastly, the Greek Government regrets that, contrary to usual United Nations practice, the Special Rapporteur presented the conclusions of his report on Greece orally, before the report had been circulated as an official document of the Third Committee. That being so, Greece was unable to exercise its right of reply immediately. Such departures from accepted procedure must be avoided at all costs, since they make it difficult for Member States to cooperate with the Special Rapporteurs and might lead in the long term to the blocking of the procedures concerned.